

NATIONAL
INDIAN
GAMING
COMMISSION

AUG 10 1994

Virgil Moorehead, Tribal Chairperson
Big Lagoon Rancheria
P.O. Box 3060
Trinidad, California 95570

Dear Chairperson Moorehead:

This letter responds to your request to review and approve the tribal gaming ordinance adopted by the Big Lagoon Rancheria (the Tribe) on August 5, 1994. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Such approval does not constitute approval of specific games. Also, the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

It is important to note that the Tribe must still advise the NIGC whether the Tribe intends to use the NIGC or some other authorized agency to process fingerprint cards through the Federal Bureau of Investigation (FBI). If the Tribe wishes to use the NIGC to process fingerprint cards through the FBI, the enclosed Memorandum of Understanding must be executed and returned to the NIGC as soon as possible. Also, it is important to note that the Tribe must submit their per capita payment plan to the Secretary of the Interior for approval pursuant to 25 U.S.C. § 2710(b)(3).

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Big Lagoon Rancheria for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman



Big Lagoon Rancheria

P.O. Box 3060
Trinidad, California 95570
(707) 826-2079

RESOLUTION: 94-600

A RESOLUTION TO AMEND, APPROVE AND ADOPT A RESERVATION GAMING ORDINANCE

WHEREAS. The Big Lagoon Rancheria is a federally recognized Tribe: and

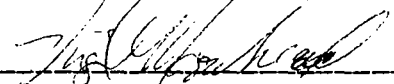
WHEREAS. The Big Lagoon Rancheria Tribal Council is the federally
recognized governing body of Big Lagoon Rancheria; and

WHEREAS. The Tribal Council desires to build on its governing documents and
set forth the laws regarding gaming as a tribal enterprise: and

NOW THEREFORE BE IT RESOLVED, that the Big Lagoon Rancheria tribe through
the Tribal Council hereby amends and approves, adopts and ratifies the
amended Tribal Gaming Ordinance of the Big Lagoon Rancheria. This
resolution and amendments amended prior resolution 93-800, and former
Tribal Gaming Ordinance.

CERTIFICATION

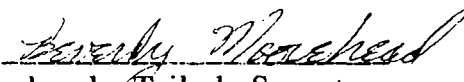
The Tribal Chairperson and Secretary do hereby certify that at a meeting
duly called and convened on the 5th day of August ,1994 with a quorum, the
Resolution was approved by a vote of 4 FOR, 0 AGAINST and 0 ABSTAINING
and said Resolution has not been rescinded or amended in any way.



Virgil Moorehead, Tribal Chairperson

8/5/94

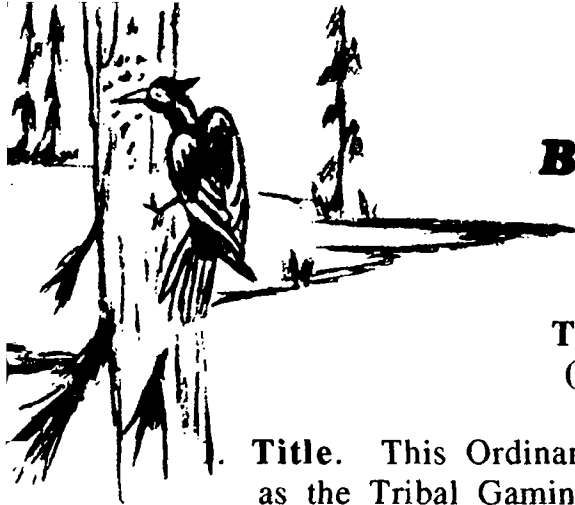
Date

Attested by: 

Beverly Moorehead, Tribal Secretary

8/5/94

Date



Big Lagoon Rancheria

P.O. Box 3060
Trinidad, California 95570
(707) 826-2079

TRIBAL GAMING ORDINANCE (Amended August 5, 1994)

1. **Title.** This Ordinance shall be known and may be cited and referred to as the Tribal Gaming Ordinance of the Big Lagoon Rancheria.
2. **Purpose.** This Ordinance is adopted for the following purposes:
 - 2.1. To Promote Tribal Economic Development in harmony with the economic development, health, welfare, and safety of all members of the surrounding community.
 - 2.2. To fully comply with and implement all applicable Federal Laws and Regulations respecting Gaming on Indian lands.
 - 2.3. To fully comply with and implement the terms of Tribal State Compact to be negotiated and executed between the Tribe and State of California.
 - 2.4. To preserve and promote Tribal Sovereignty and self-sufficiency to the fullest extent possible.
 - 2.5. To provide the public with a superior gaming Facility operated in a completely fair and honest method in every aspect.
3. **Effective Date.** This Ordinance shall become effective upon approval by the National Gaming Commission.
4. **Definitions.**
 - 4.1 Act: The Indian Gaming Regulatory Act, Public Law 100-497, as amended, 25 U.S.C., § 2701 et seq.
 - 4.2 Authorized Games: All class III gaming as defined in the Act at section 2703, Title 25, United States code, except for Prohibited Games Or Devices; and all class I and class II gaming as defined in the Act at section 2703, title 25, United States Code, including:
 - 4.2.1 Class I gaming means;
 - (a) Social games played solely for prizes of minimal value; or

- (b) Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebration

4.2.2

Class II gaming means:

- (a) Bingo or lotto (whether or not electronic computer, or other technologic aids are used) when players:
 - (1) Play for prizes with cards bearing numbers or other designations;
 - (2) Cover numbers or designations when object, similarly numbered or designated, are drawn or electronically determined; and
 - (3) Win the game by being the first person to cover a designed pattern on such cards;
- (b) If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;
- (c) Non-banking card games that State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state.

4.2.3

Class III gaming means: All forms of gaming that are not Class I or Class II gaming, including but not limited to:

- (a) Any house banking game, including but not limited to:
 - (1) Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking game);
 - (2) Roulette, craps, and Keno;
 - (b) Any slot machines as defined in 15 U.S.C. 1171(a)(1) and electronic or electro-mechanical facsimiles of any game of chance;
 - (c) Any sports betting and pari-mutuel wagering including but not limited to wagering on horse racing, dog racing or jai alai; or
 - (d) Lotteries;
- and any gaming authorized only to the extent that a tribal-state compact is executed and approved by

the Secretary of the Interior or other designated and appropriate authority.

- 4.3 Chairperson: Chairperson of the Tribal Council of the Tribe or his or her delegee, which may include any Tribal corporation.
- 4.4 Commission: the National Indian Gaming Commission.
- 4.5 Chairman: the Chairman of the National Indian Gaming Commission
- 4.6 Electronic Gaming Device: any electronic or mechanical gaming or gambling device, machine or apparatus that uses electronic, computer or mechanical technology to conduct or facilitate the playing Authorized Games.
- 4.7 Enterprise: The economic entity that is licensed by the Tribe, operates the gaming conducted pursuant to this Ordinance, receives the revenues, issues the Prizes, and pays the expenses. The Enterprise may be operated by the Tribe directly or by a Management Contractor.
- 4.8 Facility: a building, structure or vessel on or within Tribal Lands within which Authorized Games are conducted.
- 4.9 Gaming Employee: any person who handles, counts, accounts for, manages or is otherwise involved with or responsible for any monies, materials, records equipment related to any Authorized Game, or who supervises any person who does so or supervises any such supervisor, including by not limited to any person who has any management responsibilities in connection therewith, is deemed to be a Key Employee or management official under the Act, or is required to provide information to the Commission pursuant to Section 12(a)(1) of the Act or pursuant to regulations adopted by the Commission.
- 4.10 Gaming Operation: the Enterprise and all activities conducted by the Enterprise.
- 4.11 Key Employee: A person who performs on a regular basis one or more of the following functions, whether or not having the titles specified.
 - 4.11.1 Approver of Credit;
 - 4.11.2 Bingo number caller;
 - 4.11.3 Chief and Deputy Chief of Security;
 - 4.11.4 Counting room supervisor;
 - 4.11.5 Custodian of gambling devises and Electronic Gaming Devises, including persons with access

- to cash and accounting records within such devices;
- 4.11.6 Custodian of gaming supplies or cash;
- 4.11.7 Croupier;
- 4.11.8 Dealer;
- 4.11.9 Floor manager;
- 4.11.10 Pit Boss;
- 4.11.11 If not otherwise included, any other person whose total cash compensation from Gaming Operations is in excess of \$50,000 per year; or
- 4.11.12 If not otherwise included, the four most highly compensated persons in the Enterprise.
- 4.11.13 The tribal member appointed to the Management Committee created by the Management Contract shall be deemed not to be a Key Employee under this Ordinance.
- 4.12 Management Contract: any contract, subcontract, or collateral agreement between the Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of the Enterprise.
- 4.13 Management Contractor: a corporation, partnership, joint venture, or other business entity which contracts with the Tribe under an agreement subject to approval by the Commission or the Secretary of the Interior, for the purpose of managing or operating the Class III gaming activities authorized by this Ordinance.
- 4.14 Ordinance: This Tribal Gaming Ordinance of the Big Lagoon Rancheria and any amendment thereof which has been duly adopted by the Tribe in accordance with Section 119(d)(1)(A) of the Act [25 U.S.C. §2710(d)(1)(A)].
- 4.15 Political Subdivision: any county, city and county, or governmental district of any kind, within the State of California.
- 4.16 Prize: a payment made to a player who has paid or unconditionally agreed to pay for the opportunity to play an Authorized Game, and may include, without limitation, cash, merchandise, deferred payments or annuities, and tickets or plays in the same or other Authorized Games.
- 4.17 Person having a direct or indirect financial interest in a Management Contract:

- 4.17.1 When a natural person is a party to a Management Contract, any natural person having a direct financial interest in such Management Contract;
 - 4.17.2 When a trust is a party to a Management Contract, any beneficiary or trustee;
 - 4.17.3 When a partnership is a party to a Management Contract, any partner;
 - 4.17.4 When a corporation is a party to a Management Contract, any person who is a director or who either holds at least five percent (5%) of the issued and outstanding stock alone or jointly with another stockholder or is one of the ten largest stockholders; or
 - 4.17.5 When an entity other than a natural person has an interest in a trust, partnership or corporation that has an interest in a Management Contract, all parties of that entity are deemed to be persons having a direct financial interest in a Management Contract.
- 4.18 Primary Management Official:
- 4.18.1 Any person who has authority:
 - (a) To hire and fire employees; or
 - (b) To set up working policy for the Enterprise; or
 - 4.18.2 The chief financial officer or other person who has financial management responsibility; provided that nothing in this section shall be interpreted to include the Tribe, the Tribal Gaming Agency or Tribal officials acting in their official capacities.
 - 4.18.3 The tribal member appointed to the Management Committee created by the Management Contract shall be deemed not to be a Primary Management Official under this Ordinance.
- 4.19 Tribal Gaming Agency: The agency created and vested by the Tribe pursuant to the Ordinance with the authority to issue licenses to key employees and primary management officials and carry out such other functions

as may be required of such agency under the Ordinance or the Tribal-State Compact.

- 4.20 Tribal Lands: any "Indian Lands" as defined by the Act, over which the Tribe exercises governmental authority.
- 4.21 Tribal State Compact: any Tribal State Compact and amendment thereof to which the Tribe is a party that is entered into pursuant to the Act and that is in effect at the time that provision utilizing the term is to be applied.
- 4.22 Tribe or Tribal shall refer to the Big Lagoon Rancheria, a federally recognized Indian tribe registered with the Bureau of Indian Affairs under the name Big Lagoon Rancheria.
- 4.23 Vendor: Any person or entity proposing to sell, lease or otherwise provide to the Tribe Electronic Gaming Devices, gaming software, other gaming equipment for gaming regulated hereunder, gaming security equipment, or automatic teller machines or other devices that provide credit or cash to a holder of a debit or credit card and any person or entity who will have access to the internal operations of any Electronic Gaming Device, any other gaming device or equipment, any gaming security device or equipment or any automatic teller machine for the purpose of repairing, adjusting, or modifying such device, equipment or machine, and any person or entity who proposes to modify a gaming software or gaming security software in any respect.

- 5. **Responsibility of Chairperson.** The Chairperson shall be responsible for performing, or supervising the performance of, all acts required of the Tribe under this Ordinance, any applicable Federal law or regulation and any Tribal-State Compact to which the Tribe is a party. Any discretion, election or choice conferred on the Tribe by any of the foregoing shall be exercised by the Chairperson. This will be a paid position and the salary shall be paid out of the operating expenses of the Enterprise.
- 6. **Responsibilities of the Tribal Gaming Agency.** There shall be established a Tribal Gaming Agency consisting of three adult members of the Tribe which shall have the authority to promulgate regulations consistent with this Ordinance and subject thereto governing all aspects of Gaming on Tribal Lands. The members of the Tribal Gaming Agency shall be nominated by the Chairperson and approved by a majority vote of the Tribal Council. The Tribal Gaming Agency shall

also be vested with authority to issue licenses to Key employees and primary management officials and carry out such other functions as may be required of such agency under the Tribal-State Compact or that may be delegated to such agency by the Chairperson. The Chairperson may be a member of the Tribal Gaming Agency as a voting member or in an ex officio, non-voting capacity. Other ex officio members may be appointed by the Chairperson if approved by a majority vote of the Tribal Council.

6.1 The Tribal Gaming Agency's responsibilities shall include, but not be limited to, the following:

6.1.1 Conducting and causing to be conducted the background investigations required by this ordinance;

6.1.2 Reviewing and approving the investigative work done;

6.1.3 Reporting the results of the background investigation to the National Indian Gaming Commission;

6.1.4 Obtaining and processing fingerprints; and

6.1.5 Making the suitability determinations.

6.2 The Tribal Gaming Agency shall perform the following minimum investigative procedures:

6.2.1 Verification by written or oral communication, information submitted by key gaming employees and primary management officials.

6.2.2 Inquiry into the key employee's and primary management official's prior activities, criminal record, if any, and reputation, habits and associations; interview a sufficient number of knowledgeable people such as former employers, personal references, and other to whom referred in order to provide a basis for the tribe to make a finding concerning the eligibility for employment in a gaming operation.

6.2.3 Document the disposition of all potential problem areas noted and disqualifying information obtained

6.2.4 Prepare an investigate report setting forth the background investigation;

(a) Steps taken in conducting the background investigation;

(b) Results obtained;

(c) Conclusions reached; and

(d) The bases for those conclusions.

7. **Application of Ordinance.** It shall be unlawful for any person or entity to perform, conduct, operate, maintain or supervise any gaming,

gaming event or wagering enterprise on or within the Tribal Lands except as provided in this Ordinance.

8. Ownership of Gaming Enterprise.

8.1 The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any Gaming Operation authorized hereunder.

8.2 The Tribe may delegate the management and operation of the Enterprise, including compliance with the requirements of this Tribal Gaming Ordinance or other applicable laws and regulations, to a Management Contractor pursuant to and to the extent set forth in a Management Agreement that is in effect and has been approved by the Tribe and by the Secretary of the Interior or the Commission.

9. Net Revenues. The Tribe shall use net revenues from any Tribal gaming only for one or more of the following purposes;

9.1 To fund Tribal government operations or programs;

9.2 To provide for the general welfare of the Tribe and its members under a plan approved by the Secretary of the Interior under 25 U.S.C. 2710(b)(3);

9.3 To promote Tribal economic development;

9.4 To donate to charitable organizations; or

9.5 To help fund operations of local government agencies.

10. Financial Audit. The Tribe shall cause to be conducted independent audits of Gaming Operations annually and shall submit the results of those audits to the Commission in accordance with the requirements of 25 CFR part 571, subpart D-Audits, as amended.

10.1 The Tribe shall engage an independent certified public accountant to provide an annual audit of the financial statement of each Gaming Operation on Indian lands. Such financial statements shall be prepared in accordance with generally accepted accounting principles and the audit(s) shall be conducted in accordance with generally accepted auditing standards.

10.2 The Tribe shall submit to the Commission a copy of the report(s) and management letter(s) setting forth the results of each annual audit within 120 days after the end of each fiscal year of the Gaming Operation.

10.3 The Tribe shall reconcile its quarterly fee assessment reports, submitted under 25 CFR part 514, with its audited financial

- statements and make available such reconciliation upon request by the Commission's authorized representative.
- 10.4 The Tribe shall fulfill any other applicable requirements set forth 25 CFR part 571, subpart D-Audits.
- 10.5 All gaming related contracts that result in purchases of supplies, services, or concessions for more than \$25,000 in any year (except contracts for professional legal or accounting services) shall be specifically included within the scope of the audit conducted under this section.

11. Facility.

- 11.1 The tribe shall construct, maintain and operate a gaming Facility in a manner that adequately protects the environment and the public health and safety and in accordance with the NEPA process.

12. Enterprise and Facility Licensing.

- 12.1 The Tribe shall issue a license to a gaming Enterprise subject to the following terms and conditions:
- 12.1.1 The Management Contractor shall have fulfilled or committed to fulfill all requirements set forth in the Act, the Regulations, the Tribal State Compact and this Ordinance applicable to such Management Contractor.
- 12.1.2 The Management Contractor shall have fulfilled all requirements set forth in the Management Agreement that are capable of fulfillment at the time the license is to be issued.
- 12.1.3 The Enterprise shall carry out a program of training and instruction for job applicants accepted for employment by the Enterprise, and shall provide opportunity for upward mobility in employment. No person shall be employed by the Enterprise that has not either completed the foregoing training and instruction or demonstrated that he or she is possessed of the skills necessary to fulfill the requirements of the applicable position.
- 12.1.4 The Enterprise shall provide a competitive package of benefits for all full-time employees.
- 12.2 The Tribe shall issue a license to a gaming Facility as part of the license to the gaming Enterprise subject to the following terms and conditions:

- 12.2.1 The Tribe may issue a temporary license pending the resolution of any dispute to the completion of any requirement hereunder within a time period specified in such temporary license of the resolution of the dispute of completion of the requirement provided that such license shall be suspended or revoked if the dispute is not resolved or the requirement not met within such period or any extension of such period granted by the Tribe for good cause.
- 12.2.2 The Tribe has determined that the plans and specifications for the Facility comply with the then-applicable zoning, housing, building and construction codes as adopted by the Tribe which incorporates standards at least as strict as the Uniform Building, Mechanical, Electrical and Plumbing Codes of the International Conference of Building Officials.
- 12.2.3 The Tribe shall obtain a certification by a state-certified engineer or similarly qualified professional that the Facility has been constructed in accordance with the plans and specification approved by the Tribe pursuant to Section 12.2.2 above.
- 12.3 The Tribe shall issue a separate license to each place, Facility, or location on Indian lands where the Tribe elects to allow gaming. Each such license shall be posted in plain view in a conspicuous place in the licensed premises. Such license shall be personal to the holder and may not be transferred to another person or entity except as provided in the Management Contract, and may not be transferred to another location.
- 12.4 Each licensee shall keep the premises open and unlocked during all hours when gaming is occurring.

13. Persons Disqualified From Gaming

- 13.1 Minimum Age for Players. No person below the age of 18 years on the date of gaming shall be permitted to play any Authorized Game or to purchase any gaming ticket, token, share, or other evidence of opportunity to win any game conducted pursuant to this Ordinance, and no Prize may be paid to any person below the age of 18 years

making a prohibited purchase described herein or to any other person on behalf of such disqualified person.

13.2 Policy Disqualifications. In addition to the prohibition described in §13.1, no gaming ticket, token, share, or other evidence of opportunity to win any game conducted pursuant to this Ordinance may be purchases by or on behalf of any of the following persons:

13.2.1 Any person employed by any governmental agency or certified public accountant that for purposes of conducting or otherwise participating in the financial audit described in §10;

13.2.2 Any vendor within the meaning of §17.

13.2.3 Employees shall not be disqualified from gaming at the Facility subject to the limitations set forth below. Failure to abide by such limitations shall render the employee disqualified as to any gaming conducted in disregard of such limitation and may subject such employee to other sanctions.

13.2.4 Licenses or work permits shall be carried but not necessarily displayed at all times by off duty employees using the Facility.

13.3 Prohibited Payment of Prize to Disqualified Persons. No prize may be paid to any person described in § 13.2 or to any person on behalf of any such person described in §13.2.

13.4 Procedures to Enforce Disqualifications

13.4.1 The Tribal Gaming Agency shall adopt reasonable procedures to implement the provisions of §13.

13.4.2 No refund shall be made to any person making a purchase in violation of §13.1 or §13.2.

13.5 "Purchase" Defined. For purposes of §13.1 , §13.2 , and §13.4.1, purchase shall include purchase by any credit card, bank "ATM" card, other debit card, any other means of deferred or electronic payment, and purchase or procurement on credit by whatever means.

13.6 Disqualified Players. The following persons are deemed not engaged in Class III gaming conducted pursuant to this

Ordinance within the meaning of Section 23(c)(2) of Act, 18 U.S.C. §1166(c)(2).

- 13.6.1 Any person described in §13.2 who knowingly makes a purchase described in that subparagraph;
- 13.6.2 Any person who knowingly makes a purchase on behalf of any person described in §13.2;
- 13.6.3 Any person described in §13.2 who directly or indirectly solicits another to make a purchase described in that subparagraph;
- 13.6.4 Any person described in §13.2 who claims a prize with a gaming ticket, token, share, or other evidence of opportunity to win with knowledge that the ticket, token, share, or evidence of opportunity was purchased by a person described in §13.2.

14. Licenses and Work Permits.

- 14.1 Generally. No person shall act as or become a Gaming Employee, Primary Management Official or Vendor who does not hold a valid temporary or permanent license issued under this Ordinance, and no other person shall be employed by an Enterprise in which authorized gaming is conducted who does not hold a valid work permit as required under this Ordinance. Such license or work permit shall be personal to the holder and may not be transferred to another person or entity.
- 14.2 Change in Status. During the term of a license issued hereunder, the licensee must maintain his, her or its eligibility to hold such permit. Immediately upon any change in information set forth in the application, the licensee must report such change to the Big Lagoon Rancheria. If the Big Lagoon Rancheria determines that such change does not constitute a significant change in the eligibility of the licensee, the Big Lagoon Rancheria may issue an amended license without charge. Failure to report such change in information shall constitute cause for revocation of the license.
- 14.3 Conditions and Limitations. The Big Lagoon Rancheria may place upon any license issued under authority of this section such conditions and limitations upon the activities conducted pursuant to such license as the Big Lagoon Rancheria may determine are necessary to protect the health, safety and general welfare of any persons or property at or in the vicinity of said activity.

15. Gaming Employee Licensing.

15.1 Generally

- 15.1.1 All persons required to hold a Gaming Employee license shall make application to the Tribe in accordance with the requirements of this Section.
- 15.1.2 Key Employees, Primary Management Officials and other persons designated in §16.1 must satisfy the requirements of §16 in addition to the licensing requirements set forth in this §15

No license shall be issued until the Tribe has determined after appropriate investigation that the applicant is not disqualified under the standards set forth in § 15.4 herein and the State has been notified and any applicable waiting periods have expired.

- 15.1.3 Non-gaming Work Permit. All persons who are not Gaming Employees but work at any Facility where authorized gaming occurs or is supervised or administered, must obtain a non-gaming work permit. Such work permits shall be issued by the Tribe upon the Tribe's determination that the employee is not a threat to the effective regulation of gaming and creates no risk or enhances no danger of unfair or illegal practices, methods or activities in the conduct of gaming on Tribal Lands. All applicants for work permits shall provide the information required in §15.3.5.

- 15.2 Notification to Commission. In addition to any other notification procedures required by this ordinance, the Tribe shall provide prompt notification to the Commission of the results of each background check conducted hereunder before the issuance of any license and shall provided thereafter prompt notification to the Commission of the issuance of each such license.

- 15.3.1 Privacy Act Notification. The Tribe shall place the following notice on the application form a Key Employee or a Primary Management Official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested

information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

- 15.3.2 Notice Regarding False Statements. A tribe shall place the following notice on the application form for a Key Employee or a Primary Management Official before that form is filled out by an applicant:
A false statement on any part of your application may be grounds for not hiring you, or firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001)

- 15.3.3 Initial Application and Background Investigations. Prior to issuance of a Gaming Employee license, each key employee and primary management official shall supply the information required under §15.3.5 and a release permitting the Tribe or Tribal Gaming Agency to conduct a background investigation in sufficient depth to determine whether the applicant is disqualified for employment under the guidelines of §6 and the standards set forth in §15.4 herein.

15.3.4 License Renewal. At least once within each twenty-four (24) month period of employment, which period shall include any leaves of absence or other suspensions of duties, any license holder shall be required to renew the license by application to the Tribe. The Tribe shall thereafter investigate such employee sufficiently to certify to the State, and shall so certify, that such Gaming Employee remains qualified to be employed under the standards set forth in §15.4.

15.3.5 Required Information for Application.

(a) All key employees and primary management officials for Gaming Employee licenses shall provide, at a minimum, the following information plus such additional information as the tribe shall require.

1. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
2. Currently and for the previous 5 years; business and employment positions held, ownership interest in those business, and business and residence addresses;
3. Social Security Number;
4. Numbers of all current drivers licenses, any other states in which the applicant has held driver's licenses, and the names under which held;
5. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (a) (2) of this section;
6. Current business and residence telephone numbers;
7. A description of any existing and previous business relationships with

- Indian tribes, including ownership interest in those businesses;
8. A description of any existing and previous business relationships with the gaming industry generally, including ownership interest in those businesses;
 9. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 10. For each felony for which there is ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
 11. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
 12. For each criminal charge (excluding minor traffic charges) whether or not there is a conviction of such criminal charges is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph 10 and 11 of this section, the criminal charge, the name and address of the court involved and the date of disposition;
 13. All business or employment related civil litigation in which the applicant was a party to the extent information is currently available to the applicant;
 14. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit; whether or not such license or permit was granted.

15. All disciplinary actions ever threatened or taken by any state or Tribal gaming authority;
16. A current photograph;
17. Credit information to the extent permitted by applicable law;
18. Any other information a tribe deems relevant; and
19. Fingerprints consistent with procedures adopted by the Tribe according to 25 CFR §522.2(h)

(b) The Tribe shall require as a condition of any license described in this Ordinance that the applicant sign a document which states the prohibitions specified in §13.1 and §13.2, acknowledges the applicant's awareness of those prohibitions, and states a warning that the violation of such prohibitions may result in criminal prosecution under state law. The document containing the original signature of any applicant required to be registered under §16 shall be transmitted according to the provisions of §17 and the Tribe shall retain a copy thereof.

15.3.6 Investigative Agency. The Tribe shall conduct a background check on each key employee and primary management official for a Gaming Employee license pursuant to the guidelines of §6 and the standards set forth in §15.4. The background investigation to be conducted hereunder may be performed by a qualified Tribal agency independent of the gaming Enterprise, by any agency licensed by the state to conduct personnel investigations or, upon the Tribe's request, by any office or department of the government of the State or local subdivision thereof which normally performs such investigations at the request of the Federal, State or local governmental agencies.

15.3.7 The following subsections are applicable only in the event of a properly executed and approved Tribal-State Compact:

- 15.3.7.1 Review of Applications by State. Within fifteen (15) business days of receiving a complete application for a Gaming Employee license or renewal, the Tribe shall send the State a copy of the application, including the information supplied pursuant to §15.3.5 and any other information the Tribe reasonably believes would be material to State's review of such applicant's ability to meet the standards set forth in §15.4.
- (a) In the case of a license denial or revocation, the Tribe shall also notify State within five (5) working days thereof together with the basis of such denial or revocation.
 - (b) The Tribe shall cooperate with State in obtaining any further information pertaining to an applicant or licensee which State may reasonably request.
- 15.3.7.2 Issuance of License. If the applicant is not required to be registered pursuant to §16, a license may be issued or renewed after expiration of five (5) business days after receipt by the State of the information required by this section, provided further that if, before the end of such five-day period the State notifies the Tribe that it objects to the issuance or renewal of a license, such issuance or renewal may occur only after the procedures set forth in §15.3.7.1 have been followed.
- 15.3.7.3 Additional Requirements for Key Employees, etc. If the applicant is required to be registered, no license shall be issued or renewed except upon such registration, temporary registration, or renewal of such registration, or until the expiration of the applicable time-period specified in § 16.
- 15.3.7.4 Contested Licenses.
- (a) Request By State to Deny License. If the State determines that a Gaming Employee license should not be issued or renewed, or that a license should be

revoked, it shall notify the Tribe of its opinion and the basis thereof as soon as practicable after such determination has been made. The State shall supply all information to Tribe in its possession which supports State's opinion; provided that the State determines that it is not legally authorized to release any such information or the release of such information is determined to jeopardize on going law enforcement activities, the State shall provide the Tribe with a written explanation of the basis for such non-disclosure. Tribe shall review the State's request and make a good faith determination within a reasonable time as to whether the action recommended by the State should be taken.

- (b) Tribe's Response to State's Request. If the Tribe determines after its own further investigation and review that the applicant is qualified for a Gaming Employee license, the Tribe may, but shall not be required to issue such license. The Tribe, in its sole discretion, may impose any qualifications to such license it deems appropriate, or may refuse to issue such license within its absolute discretion, despite an applicant's apparent qualifications, and shall not be required to disclose the reasons for such refusal to license or to renew to the applicant.

15.3.8 Temporary Licenses. If the Tribe determines that an applicant meets the basic requirements for issuance or renewal of a license, it may issue a temporary license pending completion of the formal application process, including any further review following an inquiry by the State. The State shall be notified immediately upon issuance of any temporary license and such licenses shall be reviewed every sixty (60) days by the Tribe to

determine if the standard set forth in 15.4 are still being met.

15.4 Licensing Standards for Key Gaming Employees and Primary Management Officials. No person shall be issued or hold a license who:

- 15.4.1 Knowingly makes a misrepresentation of, or fails to disclose, a material fact in connection with the application for any license, work permit or employment hereunder;
- 15.4.2 Has had a license revoked or denied in connection with any Indian or State licensed gaming establishment within the last twelve (12) months;
- 15.4.3 Is determined to be a person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest, the welfare or reputation of the Tribe, the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices, methods, and activities in the conduct of gaming or the carrying on of any business or financial arrangements incidental thereof.
- 15.4.4 Has or has attempted to improperly interfere with or influence any decision or process of the Tribe or State relating to such license or any gaming activity; or
- 15.4.5 Is a person described in §13.6

15.5 Duration of Licenses. Gaming Employee licenses shall be issued for period not to exceed five (5) years unless earlier revoked, after which said license may be reviewed under the same standards applied for new licenses.

16. Registration

16.1 Who Must Register. Every Key Employee, every person having a direct or indirect financial interest in a Management Contract, every Primary Management Official, and every other person required by a Tribal-State Compact to which the Tribe is a party, shall register with the Department pursuant to the requirements of such Tribal State Compact.

16.2 Duration of Registration

- 16.2.1 Registration must be renewed in accordance with the terms of the applicable Tribal State Compact.

- 16.2.2 No registration shall be valid unless and until the registrant is issued a license by the Tribe.
- 16.2.3 Notwithstanding any other provision in the Tribal State Compact applicable to such registrations, a registration shall immediately be suspended or revoked upon suspension or revocation of the registrant's license by the Tribe.

17. Licenses of Vendors. Vendors shall be licensed by the Tribe pursuant to the terms and procedures set forth in the Tribal State Compact and shall comply with all such procedures as a condition obtaining such license.

18. Display of Licenses. All employees while on duty at any premises where authorized gaming is conducted shall wear and prominently display their license or work permit. No one shall be permitted to perform any duties at such Facility who is not wearing appropriate identification.

19. Dispute Resolution.

- 19.1 Any non-tribal member who has a dispute with the Management Company or the Tribe over gaming operations or the facility shall be entitled to a hearing before the Tribal Council. Appeals from the Tribal Council's decision may be taken to the Tribal Court, in accordance with the provisions of the Tribe's constitution.
- 19.2 Any non-tribal member who violates any provisions of this ordinance or while present on the reservation breaches the peace, or assaults or batters any person while on the reservation, in addition to any sanctions imposed by other applicable Federal, state or local law, may be permanently excluded from the reservation by authority of the Tribal Council.
- 19.3 Any tribal member who violates any provisions of this ordinance or while present on the reservation breaches the peace or assaults or batters any person while on the reservation, in addition to any sanctions imposed by other applicable Tribal, Federal, state or local law, may be prohibited from participating in any and all gaming activities authorized by this ordinance.

20. **Discrimination Prohibited.** No person shall be discriminated against due to race, religion, color, creed, sex, or national origin at any time by any Enterprise licensed hereunder.
21. **Tribal Immunity.** Nothing in this Ordinance shall be construed as affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by the Tribe and its Tribal officials acting in their official capacity.
22. **Severability.** In the event that any part of this Ordinance is deemed unenforceable or void by any arbitrator or court of competent jurisdiction, then in that event, all other aspects of this Ordinance shall remain in full force and effect and the Ordinance shall not fail due to any such determination.
23. **Amendments.** The Tribe may amend this Ordinance by a majority vote of a quorum at any duly noticed, called and convened meeting of the Tribal Council.

ENACTED ON DECEMBER 16, 1993, PURSUANT TO RESOLUTION NUMBER 93-800, AGREED AND ACCEPTED BY THE TRIBAL COUNCIL ON DECEMBER 16, 1993.

AMENDED ON AUGUST 5, 1994, PURSUANT TO RESOLUTION NUMBER 94-600, AGREED AND ACCEPTED BY THE TRIBAL COUNCIL ON AUGUST 5, 1994.